

REMARKS

Applicant respectfully requests consideration of the subject application. This Response is submitted in response to the Office Action mailed January 29, 2009. Claims 9-13, 22-26, and 35-39 are pending. Claims 1-8, 14-21 and 27-34 are withdrawn. Claims 9-13, 22-26, and 35-39 are rejected. In this Amendment, claims 9, 11-13, 22, 24-26, 35, and 37-39 have been amended. No new matter has been added.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 9, 22 and 35 under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner's rejections of claims 9, 22, and 35 are moot in view of the foregoing amendments.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 112.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 9-13, 22-26, and 35-39 under 35 U.S.C. § 102(e) as being anticipated by Davis, et al., (U.S. Patent No.: 6,269,361, hereinafter "Davis").

The present claims include, among other elements, allowing a bidder to bid for a search string and user attribute combination, wherein the user attribute is an attribute of a the user who input the search string. Davis fails to disclose at least this element of the present claims.

Davis is directed to a "system and method for enabling information providers using a computer network such as the Internet to influence a position for a search listing within a search result list generated by an Internet search engine." *Davis*, Abstract. In Davis, bids are accepted for the placement of a search result within a list of search results and "higher bids receive more advantageous placement on the search result list page generated by the search engine 24 when a search using the search term bid on by the advertiser is executed." *Id.*, col. 9, lines 42-45. Thus, a bidder in Davis is enabled to bid for the placement position of a search result within a list of search results. However,

Davis fails to mention allowing a bidder to bid on a search string and user attribute combination, wherein the user attribute is an attribute of a the user who input the search string as recited in the present claims. Therefore, Davis fails to disclose each and every element of the present claims and, as such, fails to anticipate the present claims.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 102.

Applicant respectfully submits that the present application is in condition for allowance.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
SONNENSCHEIN NATH & ROSENTHAL LLP

Date: May 29, 2009

/Stephen M. De Klerk/
Stephen M. De Klerk
Reg. No. 46,503

P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
650-798-0342